

In re) Fair Hearing No. 20,833
)
Appeal of)

The petitioner appeals a decision by the Department for Children and Families (DCF), Economic Services Division, denying her eligibility for Food Stamp benefits. The issue is whether the petitioner's income exceeds the program maximums.

1. The petitioner lives with her husband. Both the petitioner and her husband are employed. The petitioner applied for Food Stamps on March 20, 2007.

2. On April 4, 2007, the Department issued a decision denying food stamps because the petitioner's household income of \$2,004.97 exceeded the maximum gross household income of \$1,430 for a two-person household.

3. The petitioner filed a timely appeal and a fair hearing was held on April 26, 2007. Petitioner questioned why the Department did not apply the shelter deduction in

their case and questioned the earnings information. The record remained open for additional information.

4. Based on the pay stubs in the Department's records, the household's gross income for March was \$1,960.11. The monthly Food Stamp maximum income for a household of two at the time of application was \$1,430.

5. Petitioner has been informed that she can reapply if there is a change in household income or household composition.

ORDER

The Department's decision is affirmed.

REASONS

To qualify for the Food Stamp program, households must meet the income eligibility standards set out in Food Stamp Manual 273.9(a). Households that do not include a disabled or elderly member must meet both the gross income test (130 percent of the federal poverty level) and the net income test (100 percent of the federal poverty level). The respective income limits for a two person household are \$1,430 and \$1,100. Procedures 2590-C. If a household meets the gross income test, the household's shelter expenses will then be considered in calculating the household's net income. Food

Stamp Manual 273.9. Because petitioner did not meet the gross income test, the Department did not need to calculate net income.

The Department's decision to deny Food Stamps based on petitioner's gross income is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

#